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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/708,411	11/09/2000	John P. Veschi	VESCHI 19	2077
7590 06/14/2004				
WILLIAM H. BOLLMAN MANELLI DENISON & SELTER 2000 M STREET NW SUITE 700 WASHINGTON, DC 20036			EXAMINER SHARMA, SUJATHA R	
			ART UNIT 2684	PAPER NUMBER

DATE MAILED: 06/14/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/708,411

Applicant(s)

VESCHI, JOHN P.

Examiner

Sujatha Sharma

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1,4-6,8,12,15,16,20,23 are rejected under 35 U.S.C. 102(e) as being anticipated by Tanaka [US 6,542,749].

Regarding claims 1,8,12,16 and 20, Tanaka discloses a method and system for connecting proximately located mobile users based on compatible attributes. Tanaka further discloses the wireless device to be a wireless PDA device (see col. 4, lines 20-32) with a wireless front end and proximity detector (see summary of invention). Tanaka further discloses a reminder application that is triggered when the first mobile unit is in close proximate to a second mobile unit (see col. 7, lines 1-10, col. 14, line 60 – col. 15, line 48, col. 17, lines 1-55).

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Regarding claim 4, Tanaka further discloses a proximity reminder table, in communication with reminder application, to associate other wireless PDA devices with specific reminder tasks. See Figs. 4,5 7, col. 5, line 39-col. 6, line 10, col. 4, lines 28-32, col. 6, line 66-col. 7, line 10 and col. 14, line 60 – col. 15, line 48, col. 17, lines 1-55.

Regarding claim 5, Tanaka further discloses a method where the reminder table comprises an entry associating a particular wireless PDA device with a desire to output an alert when said wireless PDA device becomes proximate to said particular wireless PDA device. See Figs. 4,5 7, col. 5, line 39-col. 6, line 10, col. 4, lines 28-32, col. 6, line 66- col. 7, line 10 and col. 14, line 60 – col. 15, line 48, col. 17, lines 1-55.

Regarding claim 6, Tanaka further discloses a method of disabling the communication/alert when said particular PDA device is in close proximate to said wireless PDA device. See col. 16, lines 54-63 and col. 19, lines 38-49.

Regarding claims 15 and 23, Tanaka discloses a method of measuring location coordinates of the first and second PDA device and determining the distance between the two devices and comparing the determined distance to a threshold distance. See col. 5, lines 1-20, col. 5, line 67 – col. 6, line 10.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 2,3,9-11,14,17-19,22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka [US 6,542,749] in view of Erikson [US 6,622,018].

Regarding claims 2,3 9-11,17-19, Tanaka as treated in claims 1,8,12,16,20 does not disclose the wireless front end to be a piconet / bluetooth front end.

Erikson in the same field of endeavor teaches a method of connecting various mobile devices in a piconet using bluetooth technology. See summary of invention, col. 5, lines 5-37.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Erikson to Tanaka in order to connect the various mobile devices when they are proximate to one another using bluetooth technology and thus overcoming the short comings of other short range communication methods such as infra red which would require line of sight between connecting devices.

Regarding claims 14 and 22, Erikson further teaches a method of determining g a presence of the second PDA device in a local wireless network/piconet of said first PDA device. See summary of invention, col. 5, lines 5-37.

5. Claims 13,21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka [US 6,542,749] in view of Berstis [US 6,650,894].

Regarding claims 13 and 21, Tanaka as treated in claims 12 and 20 does not disclose the reminder alert to be an audible alert.

Berstis in the same field of endeavor teaches a method of producing an audible alert when one mobile device is in close proximate to another mobile device. See col. 4, lines 58-67.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Berstis to Tanaka in order to Provides alert

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information to the user, without having to look in particular direction and without having specifically asked if any message has been received.

Regarding claim 6, Berstis further discloses a method of disabling the communication/alert when said particular PDA device is in close proximate to said wireless PDA device. See col. 4, lines 58-67.

Regarding claim 7, Berstis further teaches a method of setting a time for the alert message and canceling the alert within a range of time of said time for said reminder alert. See col. 4, lines 58-67.

Response to Arguments

6. Applicant's arguments filed 4/6/04 have been fully considered but they are not persuasive.

Applicant disputes the fact the prima facie evidence disclosed in the Tanaka reference are all contained within any of the provisional applications. Further, the applicant argues that the Tanaka reference fails to disclose a method wherein a reminder is triggered by detected proximity.

However the examiner has now provided the copy of the provisional applications. In particular, the applicant is drawn to the provisional application 60/214,197 where Tanaka discloses a method wherein based on the proximity of a wireless unit to other wireless device, a reminder program is automatically triggered. See page 13, line 9 – page 15, line 23.

Therefore the rejections of claims 1-23 presented in the previous office action (see paper # 2) and as discussed above are considered proper.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 703-305-5298. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sujatha Sharma
May 24, 2004


NAY MAUNG
SUPERVISORY PATENT EXAMINER